CONFERENCE ON DISARMAMENT

CD/1346/Add.1
19 September 1995

ENGLISH ONLY

ADDENDUM TO THE REPORT OF THE AD HOC COMMITTEE ON A NUCLEAR TEST BAN TO THE CONFERENCE ON DISARMAMENT

1. In conformity with the agreement reached in the Ad Hoc Committee on a Nuclear Test Ban, the Committee continued working after the adoption of its Report to the Conference on Disarmament (CD/1346) on 6 September 1995. From 11 to 19 September 1995 the Ad Hoc Committee held 2 meetings, Working Group 1 held 7 meetings, and Working Group 2 held 1 meeting. At its 27th meeting the Chairman of the Ad Hoc Committee appointed, as Friend of the Chair on Preparatory Commission, Mr. Donald Sinclair of Canada.

2. The following additional official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1346, dated 6 September 1995, entitled "Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

- CD/1347, dated 11 September 1995, entitled "Letter dated 8 September 1995 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement dated 20 July 1995 by the State Duma of the Federal Assembly of the Russian Federation concerning its attitude towards the resumption of nuclear testing by France, as well as a statement dated 6 September 1995 by a Representative of the Ministry of Foreign Affairs of the Russian Federation concerning a nuclear test conducted by France".

- CD/1348, dated 12 September 1995, entitled "Note verbale dated 12 September 1995 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament transmitting the text of a statement by the Government of Argentina concerning French nuclear testing".

- CD/1349, dated 13 September 1995, entitled "Letter dated 11 September 1995 from the Permanent Representative of the Philippines addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the President of the Philippines, His Excellency Fidel V. Ramos, concerning the recent French nuclear test".

GE.95-63806

- CD/1350, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Press Secretary of the White House on 5 September 1995 concerning the nuclear test conducted by France on that day".

- CD/1351, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of Australia to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Australian Prime Minister, the Honourable P.J. Keating MP, issued on 6 September 1995, concerning the first French nuclear test.

- CD/1352, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of Australia to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the current Chairman of the South Pacific Forum, the Australian Prime Minister, the Honourable P. J. Keating MP, issued on 7 September 1995, concerning the testing of a nuclear weapon by France".

- CD/1353, dated 15 September 1995, entitled "Note verbale dated 14 September 1995 from the Permanent Mission of Peru addressed to the Secretariat of the Conference on Disarmament transmitting a communique issued by the Ministry of Foreign Affairs relating to the conduct of French nuclear tests at Mururoa Atoll on 5 September".

- CD/1354, dated 15 September 1995, entitled "Note verbale dated 14 September 1995 from the Permanent Mission of Chile addressed to the Secretariat of the Conference on Disarmament transmitting an official statement by the Government of Chile on the resumption of French nuclear tests".

3. In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.269, dated 15 September 1995, submitted by the Chairman of the IMS Expert Group, entitled "Working Group 1 - Verification: International Monitoring System Expert Group Report based on Technical Discussions held from 22 to 25 August 1995".

- CD/NTB/WP.270, dated 15 September 1995, submitted by a Friend of the Chair, entitled "Working Group 1 - Verification: International Monitoring System".

- CD/NTB/WP.271, dated 15 September 1995, submitted by the delegation of Ukraine, entitled "Replies to the Questions Posed by the Chairman of the IMS Expert Group (CD/NTB/WP.225 13 March 1995".

- CD/NTB/WP.272, dated 18 September 1995, submitted by the delegation of Japan, entitled "Replies to the questions on the International Monitoring System in the Expert Group Chairman's Paper (CD/NTB/WP.225)".

- CD/NTB/WP.273, dated 18 September 1995, submitted by the delegation of Germany, entitled "Modification Procedure for the International Monitoring System".

- CD/NTB/WP.274, dated 19 September 1995, submitted by the delegation of the United States of America, entitled "Information and Optimization Methodology for Use in Completing the Design of the Radionuclide Network of the International Monitoring System".

- CD/NTB/WP.275, dated 19 September 1995, entitled "Draft Addendum to the Report of the Ad Hoc Committee to the Conference on Disarmament".

4. The results of the work of the Ad Hoc Committee during this period are reflected in the attached changes to CD/1346 which will be incorporated into the annual Report of the Conference on Disarmament to the fiftieth session of the General Assembly.

CHANGES TO BE INCORPORATED INTO CD/1346

Page 15, replace text with the following:

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference of the States Parties [and the Executive Council] 1/ shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with the provisions of the Treaty and to redress and remedy any situation which contravenes the provisions of the Treaty. In considering action pursuant to this paragraph, the Conference of the States Parties [and the Executive Council] shall, as appropriate, take into account [information and recommendations on the issues submitted by the States Parties and the Executive Council, as well as information provided by the Technical Secretariat as requested by the Conference of the States Parties or the Executive Council].

2. In cases where a State Party has been requested by the Conference of the States Parties or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference of the States Parties may, inter alia, decide, taking into account the information and recommendations submitted according to paragraph 1, to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference of the States Parties decides otherwise.

3. In cases where [serious] damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, 2/ the Conference of the States Parties[, upon the recommendation of the Executive Council,] may recommend collective measures to States Parties in conformity with international law.

4. In cases of particular gravity, the Conference of States Parties[, or alternatively, if the case is also urgent, the Executive Council,] shall bring the issue, including relevant information and conclusions, to the attention of the General Assembly and the Security Council of the United Nations. 1/

1/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

2/ A delegation has proposed adding "withdrawal of a nuclear-weapon State or a nuclear advanced State Party to the Treaty".

1/ A delegation has proposed replacing paragraphs 3 and 4 with the following: "In cases where a State Party has been found by the Executive Council to be in non-compliance with the basic obligations of the Treaty, the Executive Council shall bring the issue, including all relevant technical information and evidence, to the attention of the Security Council of the United Nations."

Page 24, replace text with the following:

NATIONAL IMPLEMENTATION MEASURES

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit [and prevent] natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty[, including enacting penal legislation or other punitive measures with respect to such activity];

(b) To prohibit [and prevent] natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit [and prevent], in conformity with international law, natural [and legal] persons possessing its nationality from undertaking any such activity anywhere[, including enacting penal legislation or other punitive measures with respect to such activity].

2. Each State Party shall co-operate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

Page 25, replace para. 1 with the following:

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty or the annexed Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol to this Treaty. Proposals for amendments shall be subject to the procedures in paragraphs 2, 3, 4, 5 and 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

Page 27, replace text with the following:

PREAMBLE

1. The States Parties to this Treaty (hereinafter referred to as "the States Parties"),

2. [Stressing the need for systematic and progressive efforts to reduce nuclear weapons globally , with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,]

3. [Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,]

4. [Affirming that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority, that the early realization of complete prohibition and thorough destruction of nuclear weapons is the common goal of the international community, and that to this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and to take other measures to prevent nuclear war, to eliminate the danger of the threat or use of nuclear weapons, and to avoid the proliferation of nuclear weapons in all its aspects,]

5. Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including [deep] reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

6. Underlining the importance of the full and prompt implementation of such agreements and measures,

7. [Urging all States, especially the nuclear-weapon States, soon to support or respond to the proposals or initiatives designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war, and urging also the nuclear-weapon States to conclude as soon as possible international agreements on no threat or use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and on no-first-use of nuclear weapons against each other,]

8. Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty [within the framework of an effective nuclear disarmament process] that will attract the adherence of all States and will contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

9. Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, [which are recalled in the Preamble to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons,]

10. [Believing that it is of great significance for the prevention of the proliferation of nuclear weapons in all its aspects that all the non-nuclear-weapon States [join the Treaty on the Non-Proliferation of Nuclear Weapons and] undertake not to acquire or develop nuclear weapons,]

11. Deeply convinced that, to contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security, this Treaty should be universal, and urging all States to participate therein,

12. [Convinced that the implementation of this Treaty would contribute effectively to the protection of the environment,]

13. [Seeking international verification means which utilize to the extent possible existing systems of geophysical monitoring, and seeking to make the data acquired from the monitoring systems established pursuant to this Treaty available publicly for research on problems of broad international scientific interest,]

14. [Affirming that this Treaty seeks to achieve the discontinuance of all nuclear weapon test [explosions] and all other nuclear explosions as well as the discontinuance of all preparations immediately leading thereto,]

15. Have agreed as follows:

Page 29, replace text with the following:

SCOPE

1. Each State Party undertakes [to prohibit, and to prevent, and] not to carry out, [at any place and] [in any environment,] any nuclear weapon test [explosion] [which releases nuclear energy], [or any other nuclear [test] [explosion]], [or any release of nuclear energy caused by the assembly or compression of fissile or fusion material by chemical explosive or other means,] [and to prohibit and prevent any such nuclear explosion] [at any place under [or beyond] its jurisdiction or control] [.] [:]

[(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) underground.]

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, [assisting,] [preparing,] or in any way participating in, the carrying out [anywhere] of any nuclear weapon test [explosion] [or any other nuclear [test] [explosion]] [or any release] [referred to] [, which would take place in any of the environments described] [in paragraph 1 of this Article].

Page 41, replace text with the following:

D. The Technical Secretariat

45. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Treaty. It shall carry out the other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council (in accordance with this Treaty). The Technical Secretariat shall include, as an integral part, the International Data Centre.

46. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall include:

(a) Being responsible for supervising and coordinating the operation of the International Monitoring System, in accordance with ... of this Treaty;

[(b) Routinely receiving, collecting and analysing the monitored data of the International Monitoring System (and any additional information that a State Party or international organization may provide to it) with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty and making this data available to all States Parties;]

(c) Providing technical assistance in, and support for, the installation and operation of monitoring stations in accordance with the provisions of
... ;

(d) Co-ordinating international cooperative arrangements to receive, process, [analyse] and facilitate an exchange of data obtained through the International Monitoring System;

(e) Operating the International Data Centre in accordance with ... of this Treaty;

(f) Assisting the Executive Council in facilitating consultation and clarification among States Parties in accordance with ... ;

(g) Receiving [at the same time as the Executive Council] requests for on-site inspections and processing [and evaluating] them, conducting the on-site inspections [as well as technically evaluating the results] and reporting to the Executive Council in accordance with ... ;

(h) Conducting on-site [monitoring and] [visits at the invitation of a State Party] in accordance with the procedures set out in paragraph ... ;

(i) Negotiating and concluding agreements or arrangements relating to verification activities with States Parties, other States or international organizations as appropriate, subject to approval by the Executive Council;

(j) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

47. The functions of the Technical Secretariat with respect to administrative matters shall include:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty.

[(e) Carrying out the administrative responsibilities related to the Agreement between the Organization and the [IAEA] [and any other international organization].]

[47bis. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft program and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft program and budget shall be accorded to all other activities of the Organization.]

49. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions[, including doubts, ambiguities or uncertainties about compliance with this Treaty and its Protocol] that have come to its notice in the performance of its [verification] activities and that it has been unable to resolve through consultations with the State Party concerned.

50. The Technical Secretariat shall develop and maintain, subject to approval by [the Executive Council] [the Conference] Operational Manuals to guide the operation of the various components of the verification system, in accordance with Article ... of this Treaty and Section ... of its Protocol. These Manuals shall not constitute integral parts of this Treaty or its Protocol and may be changed by the Technical Secretariat subject to approval by [the Executive Council] [the Conference]. The Technical Secretariat shall promptly inform the States Parties of any changes in the Operational Manuals.

51. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.

52. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. [Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.] [The Secretariat shall also be staffed strictly in accordance with the principle of equitable geographic distribution.] Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

[52bis. After the Technical Secretariat has received the advance notification provided for in paragraph 10bis of this Article, the Director-General, in consultation with the appropriate State Party or States Parties, shall make a determination of the credit value of the activity to be undertaken, which shall not exceed the amount the Organization has budgeted for that particular kind of activity. Contribution credits shall be provided, and a credit value determined, for, inter alia:

(a) Costs of establishing, operating and maintaining IMS facilities located on the territory of States Parties;

(b) Installing, upgrading, or providing operation and maintenance costs for an IMS facility located on the territory of a State on the basis of a bilateral arrangement with a State Party;

(c) Costs for an IMS facility not located on the territory of any State or located on the territory of a State not Party to this Treaty; and

(d) Costs of non-IMS activities, such as the provision of equipment, logistics support and personnel to the Organization.]

53. [The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 26 (g) of Part B of this Section. The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty. [The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]]

[The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]

55. In the performance of their duties, the Director-General, the inspectors and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization.

56. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

Page 46, replace text with the following:

ENTRY INTO FORCE

1. This Treaty shall enter into force[, subject to the provisions of paragraph ... of this Article,]

(a) 180 days after the date of the deposit of the instruments of ratification by

(i) [... States][including ...], but

(ii) [... per cent of][all States which have, have ever had, or have under construction, nuclear power or nuclear research reactors at the date of the opening of the Treaty for signature as specified in the International Atomic Energy Agency list contained in annex ... to this Treaty], but

(iii) [All States Members of the Conference on Disarmament and all States which have applied for membership prior to ...], but

(b) In no case earlier than [two] years after its opening for signature.

[2. All signatory States shall have the imprescriptible right to waive the requirement, laid down in the preceding paragraph[, ...]. They may do so by means of a declaration which shall be annexed to their respective instruments of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of [...] instruments of ratification with such waivers attached.]

[3. After all the nuclear-weapon States have deposited their instruments of ratification with the Depositary, and no earlier than ... after the Treaty is opened for signature, all States that have deposited their instruments of ratification with the Depositary shall have the right, in accordance with the procedures specified in this paragraph, to waive the requirements set forth in paragraph 1 of this Article. A majority vote of all States that have deposited their instruments of ratification with the Depositary is required to convene a conference of those States to consider the question of waiving the requirements set forth in paragraph 1 of this Article. Such requirements may be waived at the conference by agreement of all nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary. In the case of an agreement to waive the requirements of paragraph 1 of this Article, the Treaty shall enter into force under the conditions determined by agreement of all the nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary.] 1/

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the [30th day following the date] [date] of deposit of their instruments of ratification or accession.

1/ A group of delegations suggest that further discussion is needed on paragraphs 2 and 3 above.

Page 55, after para. 22, insert the following new paras:

[22.bis In order to ensure the effectiveness of the International Monitoring System, any State Party and the Director-General may propose modifications of the lists of monitoring stations, as contained in the Protocol, in regard to numbers, locations and types of stations, to the Executive Council, for recommendation to all States Parties. Such a modification proposal should, for its consideration by the Executive Council, be evaluated by the Director-General in regard to possible consequences for the provisions of this Treaty and its implementation and be assessed in regard to possible financial implications for the next (5) years.

After approval by the Executive Council, the Director-General shall be authorized to implement the modification proposal immediately and to transmit the decision of the Executive Council and all related documentation to all States Parties and the Depository to become subject of the amendment procedure of this Treaty, as described in ... (para. 8(d)-(g)).] 1/

[9. Any measures referred to in Article ... ("Verification") paragraph 15 affecting the International Monitoring System by means of addition or deletion of a monitoring technology [or changes to the numbers specified in the Protocol of monitoring facilities for a given monitoring technology,] shall, when agreed, be incorporated into the Treaty and Protocol pursuant to Article ... ("Amendments") paragraphs 1 - 6.]

[10. Any proposal for:

[(a) addition or deletion of a monitoring technology; or,]

[(b) changes to the numbers specified in the Protocol of monitoring facilities for a given monitoring technology; or,]

(c) the modification of [details concerning responsible State, location, type of monitoring facility, but not total numbers of any particular facility, reflected in] the [lists of monitoring facilities contained in the Tables] [annexed to the Protocol 2/,] shall be incorporated in the Protocol pursuant to Article ... ("Amendments") paragraphs 7 - 8.]

[11. A recommendation concerning any proposal made pursuant to paragraph 10 shall be made by the Director-General to the Executive Council accompanied by:

1/ Substantive discussion is yet to take place on the provisions contained in paragraphs ... (22bis) to ... (paragraph 12 of IMS Friend of the Chair paper).

2/ The inclusion of these Tables in the Protocol is to be reviewed in connection with the decisions on their contents, and this reference is without prejudice to whether or how the listing of stations will be included in the Treaty.

(a) endorsement of the proposal by an independent technical appraisal conducted in accordance with Article ... ("The Organization") paragraph [53] [54];

(b) a statement from the Organization on the administrative and financial impact of the proposal; and,

(c) a report from the Director-General on consultations with States Parties whose responsibilities for hosting International Monitoring System facilities would be affected by the proposal.]

[12. In cases of significant or irretrievable breakdown of a monitoring facility contained in the Tables [annexed to the Protocol 1/], or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, with the agreement of the Executive Council and in consultation with relevant States Parties, initiate stop-gap arrangements of no more than one year's duration within the parameters set out in the Protocol and within existing budgetary approvals. The Director-General shall furthermore take steps to rectify the situation and make proposals for its permanent resolution.]

1/ The inclusion of these Tables in the Protocol is to be reviewed in connection with the decisions on their contents, and this reference is without prejudice to whether or how the listing of stations will be included in the Treaty.

Page 58, replace para. 33 with the following:

33. [[The costs of the International Monitoring System shall be met by individual States Parties and the Organization.] For monitoring stations and laboratory [and analytical] [and other] facilities determined pursuant to paragraphs ... of the Verification Protocol to be essential to the operation of the International Monitoring System:

(a) To the extent that such stations and facilities provide data to the International Data Centre, the Organization shall meet the costs of:

(i) Transmitting International Monitoring System data (raw or processed, including samples where appropriate) to the International Data Centre [directly] [or indirectly] from monitoring stations, from laboratory [and analytical] facilities or from National Data Centres, or to laboratory [and analytical] facilities from monitoring stations;

(ii) Analysing samples on behalf of the Organization;

[(iii) Establishing any new stations and facilities, and upgrading existing stations and facilities [not located on the national territory of any State Party];]

[(iv) Establishing any new stations and facilities, and upgrading existing stations and facilities located on the national territory of least developed countries;]

[(v) Operating and maintaining [new] [and existing] International Monitoring System monitoring stations and facilities noted above [located on the national territory of least developed countries];] and,

[(vi) International Monitoring System station and facility physical security, if appropriate, [located on the national territory of least developed countries];]

[(b) Each individual State Party shall meet the costs of:

(i) Establishing any new stations and facilities, and upgrading any existing stations and facilities located on its national territory; and,

(ii) Operating and maintaining all stations and facilities located on its national territory; and,]

[(c) Any individual State Party may meet the costs of:

(i) Establishing any new stations or facilities, and/or upgrading any existing stations or facilities located outside the national territory of any State Party; and,

(ii) Operating and maintaining any monitoring station or facility located outside the national territory of any State Party.]]

[For monitoring stations and laboratory [and analytical] [and other] facilities determined pursuant to paragraphs ... of the Verification Protocol to be essential to the operation of the International Monitoring System, the Organization shall meet all the costs.]

33.bis [For the transmission of International Monitoring System data (raw or processed, including samples where appropriate) to the International Data Centre [directly] [or indirectly] from monitoring stations, from laboratory [and analytical] facilities or from National Data Centres, or to laboratory [and analytical] facilities from monitoring stations, the Organization shall meet all the costs.]

Page 72, replace para. 5 with the following:

5. To supplement the primary network, an auxiliary network of [at least] [up to] [100] stations shall provide information to the International Data Centre on request. [[The auxiliary stations to be used [initially] are listed in Table 1B, annexed to this Protocol.] 10/ The auxiliary stations shall be established and operated by the State Party on whose territory they are situated. The Technical Secretariat shall, if requested, provide technical assistance to a State Party in this regard. [The Technical Secretariat shall also, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain such stations in regions of the world where there is a lack of such stations.] The auxiliary stations shall meet the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.] [The cost of transmitting data from such stations to the International Data Centre shall be the only cost that the Organization shall meet with respect to auxiliary stations. All other costs for establishing and operating any auxiliary station shall be met by the State Party on whose territory it is situated.]

10/ As indicated on page 81 of the Expert Group Report on the International Monitoring System (CD/NTB/WP.224), the experts noted that for the purpose of enhancing the location accuracy for OSI purposes and for the acquisition of data that could prove useful for the identification of events, it has been recommended in some national proposals, as well as in the report of the Friend of the Chair (CD/NTB/WP.181 of 6 September 1994), that a network of auxiliary stations be used. A definitive network can not be identified at this time, but experience gained in the GSETT-3 Experiment will help with this definition. The network currently being tested in GSETT-3 is such a two-tiered system.

The determination of a final seismological monitoring auxiliary network to be included as part of the IMS, if the inclusion of such a network is agreed upon, will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

Page 43, delete para. 48.

Page 61, replace para. 42 with the following:

42. Each State Party has the right to request an on-site inspection in accordance with ... in the territory or in any other place under the jurisdiction or control of any State Party [, or any area beyond the jurisdiction or control of any State].

Page 61, replace para. 44 with the following:

44. The requesting State Party is under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the inspection request information in accordance with paragraph 47 [on the basis of which a concern has arisen regarding possible non-compliance with this Treaty]. The requesting State Party shall refrain from unfounded or abusive inspection requests.

Page 62, replace para. 46 with the following:

46. The requesting State Party shall present a request for an on-site inspection to the Executive Council, [and at the same time to] [through] the Director-General for the latter to begin immediate processing [prior to the Executive Council decision].

Page 62, replace para. 47 with the following:

47. The request for an on-site inspection shall be based on the data collected [and analysed] by the International Monitoring System [and/or by other elements of the Treaty verification regime, or shall be based on other relevant [technical] data made available by States Parties,] in accordance with the provisions of this Treaty. The request for an on-site inspection shall contain information pursuant to ... of the Protocol.

Page 62, replace para. 48 with the following:

48. [When the inspection request fulfils the requirements, [and upon approval by the Executive Council,] [and concurrently with the stages referred to in paragraphs 50 and 52,] preparations for the inspection shall begin.] [The Technical Secretariat shall begin preparations for [an initial phase of] an on-site inspection immediately upon receipt of a request. [The Technical Secretariat shall begin preparations for a second phase of an on-site inspection immediately following the Executive Council's approval of that phase of an inspection.]]

Page 62, delete para. 49.

Page 63, replace para. 50 with the following:

50. [The Director-General, upon receipt of a request for an on-site inspection, referring to an inspection area under the jurisdiction or control of any State Party, shall promptly conduct a consultation and clarification process with the State Party sought to be inspected in order to clarify and to resolve the concern raised in the request. Concurrently, the Director-General shall commence a technical expert evaluation in accordance with paragraph 52.]

Page 63, replace para. 51 with the following:

51. [A State Party which receives a request for clarification, pursuant to paragraph 50, shall provide the Director-General with explanations and with other relevant information available as soon as possible, but not later than [5] days after receiving the request.]

Page 63, replace para. 52 with the following:

52. [For the technical expert evaluation conducted by experts of the Technical Secretariat, the Director-General shall also invite experts nominated by the suspected and requesting States Parties, as well as other internationally recognized experts, to evaluate [all available] technical data [from the International Monitoring System], with the aim of clarifying and resolving the concern raised in the request and recommending whether sufficient grounds exist for an on-site inspection. The Director-General shall conclude the evaluation with a report, in accordance with paragraph ... of the Protocol, including the findings and recommendations contained in the expert evaluation, not later than [10] days after the request for clarification has been submitted to the suspected State Party.]

Insert para. 52.bis as follows:

52. bis [The Executive Council may decide by a [simple] [two-thirds] majority, before [deciding upon] [approving] an on-site inspection request, to consult further with the State Party concerned and ask to clarify the concern raised in the on-site inspection request and/or direct the Director-General to provide a technical expert evaluation regarding the event specified in the on-site inspection request.]

Page 63, delete footnote 8/.

Page 63, replace paras. 54 and 55 with the following:

The Director-General shall, after receiving an on-site inspection request, acknowledge the receipt of such request to the requesting State Party within 2 hours and communicate the request to the State Party concerned within 6 hours. [The Director-General shall ascertain that the request meets the requirements specified in .... of the Protocol, [and, if necessary, assist the requesting State Party in filing the request accordingly.]] and [thereafter] communicate the request to [the Executive Council and] all States Parties within 24 hours.

Page 64, replace paras. 56 and 57 with the following:

The Director-General shall [, before the Executive Council [decides upon] [approves] the on-site inspection request,] [seek and] transmit immediately to the Executive Council any additional information [obtained] [available] from the IMS [or provided by any State Party] on the event specified in the request. [The gathering of this information shall not [unduely] delay the processing of this request.]

Page 64, replace para. 58 with the following, to be placed before the replacement paragraph 56/57.

58. [The Executive Council shall take cognizance of all activities in regard to an on-site inspection.] [The Executive Council shall begin its consideration immediately upon receipt of the ascertained version of an on-site inspection request and shall supervise all activities in regard to an on-site inspection.]

Page 64, replace para. 59 first section with the following:

59. [The Executive Council may, not later than [12] [48] hours after having received the inspection request [for the initial phase of an on-site inspection], decide by a [two-thirds] [three-quarters] majority of [all] its members [present and voting] against carrying out the [initial phase of the] inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Treaty, as described in paragraph ... .

Page 64, insert para. 60.bis as follows:

60.bis [When the on-site inspection request is based on data collected by the International Monitoring System, which might be complemented by any other data, the Executive Council may, no later than 72 hours after having received such a request, decide by a two-thirds majority of all its members against carrying out the inspection. If the Executive Council decides against the inspection, preparations shall be stopped, no further action on the request shall be taken, and the States Parties concerned shall be informed accordingly.

When the on-site inspection request is based only on data other than those collected by the International Monitoring System, the decision to approve an on-site inspection shall be made by a two-thirds majority of all members of the Executive Council no later than 72 hours after having received such a request. If the Executive Council does not approve the request, preparations shall be stopped, no further action on the request shall be taken, and the States Parties concerned shall be informed accordingly.]

Page 65, replace paras. 68-71 with the following:

The Conduct of an On-Site Inspection

68. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control, in accordance with the provisions and procedures of this Treaty and the annexed Protocol (trigger mechanism, managed access et al).

69. [Pursuant to a request for] [Upon approval by the Executive Council of] [In the course of] an on-site inspection [and] in accordance with the provisions of this Treaty and the procedures provided for in the Protocol [and the Annexes] thereto, the inspected State Party shall have:

(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its [approved] mandate;

(b) The obligation to provide access within the [approved] inspection area for the sole purpose of determining facts relevant to the [concern regarding possible non-compliance] [purpose of the inspection] [inspection mandate 13/]; and

(c) The right to take measures to protect sensitive installations and locations, and to prevent disclosure of confidential information not related to [this Treaty] [the purpose of the inspection] [the inspection mandate 13/].

70. The Director-General[, in consultation with the requesting State Party,] shall [issue] [draft] an inspection mandate for the conduct of the on-site inspection in accordance with ... . [The inspection mandate shall determine the scope of the on-site inspection, including which activities listed under paragraph ... of the Protocol to this Treaty would be conducted and which equipment would be used.] [The inspection mandate shall be the inspection request put into operational terms, and shall conform with the inspection request.]

71. The on-site inspection shall be conducted in accordance with the procedures laid down in the Protocol to this Treaty [and Annexes thereto]. The inspection team shall be guided by the principle of conducting the on-site inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of [its mandate] [the inspection] [and the goal of satisfying the requesting State Party's concerns about possible non-compliance]. The inspectors shall seek only the information and data necessary for the purpose of the inspection.

13/ To be further examined together with the contents of the inspection mandate.

Page 67, replace para. 75 with the following:

75. With regard to an observer, the following shall apply:

(a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;

(b) The inspected State Party shall then grant access to the observer in accordance with the Protocol, annexed to this Treaty;

(c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report. 1/

Page 107 (Protocol), replace paras. 161-168 with the following:

161. In accordance with the provisions of paragraph 75, the requesting State Party shall liaise with the Technical Secretariat to co-ordinate the arrival of the observer at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

[162. Not later than 30 days after the entry into force of this Treaty any State Party shall inform the Director-General of the names of observers. The Director-General shall include the nominations proposed by the States Parties in the list of observers. A person on the list of observers may also be on the list of inspectors.]

[163. Not later than 60 days after the entry into force of this Treaty the Director-General shall circulate the list of observers to all States Parties. Each State Party shall promptly acknowledge receipt of the list of observers proposed for inclusion. Any observer included in the list shall be regarded as accepted unless any State Party declares, not later than 30 days after the acknowledgement of receipt of the list, its non-acceptance in writing. The State Party shall indicate the reasons for such non-acceptance. In that case the observer shall not participate in verification activity on the territory or in any other area under the jurisdiction or control of the State Party which has declared its non-acceptance.]

1/ This paragraph needs further consideration.

[164. Each State Party may at any time replace its representatives on the list of observers. The Director-General shall annually review the list of observers taking account of proposals by States Parties and notify all States Parties about changes on the list of observers.]

165. The observer shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself.

[166. The observer shall have the right to arrive at the [perimeter of the] inspection [site] [area] and to have access to the inspection [site] [area] as granted by the inspected State Party.]

167. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

168. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer similar to those enjoyed by the inspection team as described in paragraph ... . All the costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

Page 79 (Protocol), replace para. 16 with the following:

16. The specified network of infrasound stations shall consist of [the stations specified in Table 4, annexed to this Protocol, and comprise] an overall network of [approximately 50] [60] [70] stations. 1/ These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

Page 96 (Protocol), replace para. 99 with the following:

[99. For the conduct of an on-site inspection within the area designated by the inspection mandate, the following technologies may be used:

(a) Position finding [and topographic mapping] from the air and on the surface to confirm the boundaries of the inspection area and establish co-ordinates of locations therein, in support of the inspection activities;

(b) Visual observation, video/photographic imaging and multispectral including infrared [measurements and] imaging from and under the surface, and from the air, to search for anomalies or man-made artifacts;

(c) Measurement of radioactivity in the atmosphere, on the surface, [underground], and in the water, utilizing gamma radiation monitoring and energy resolution analysis from the air, and on or under the surface, to search for and identify radiation anomalies;

(d) Environmental sampling and analysis of solids and liquids, from the surface and subsurface, and radioactive noble gases and tritium and nonradioactive gases such as CO_2, CH_4, and H_2 in the atmosphere [and under the ground, including from wells (up to 20m deep)] to detect radioisotopes or other anomalies;

(e) Thermal measurement surveys to search for surface temperature changes;

(f) Passive seismological monitoring for aftershocks to localize the search area and facilitate determination of the nature of an event; [resonance seismometry], and active seismic surveys to search for and locate underground anomalies, including cavities and rubble zones;

[(g) Magnetic field and gravitational field mapping, [ground penetrating radar], [electromagnetic sounding], and electrical conductivity measurements on the surface and from the air, as appropriate, to detect anomalies or manmade artifacts; and]

[(h) Drilling to obtain radioactive samples.] 2/, 3/

1/ The determination of a final infrasound monitoring network, which might differ from the above options, to be included as part of the IMS will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

2/ A number of delegations consider that final agreement on the technologies and their application for OSI will require the development of a managed access regime to protect sensitive information unrelated to the purpose of the OSI.

3/ A number of delegations consider that the list of OSI technologies is without prejudice to the final agreement on the OSI phases and the corresponding application of specific technologies.